

FILED ENTERED
LODGED RECEIVED

DEC 09 2010

RE

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY



10-CV-01985-CMP

**THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

BOEING EMPLOYEE'S CREDIT UNION

Plaintiff,

v.

JOICE LENG and TONY BROWN,
Defendant(s).

No. **C10-1985** TSZ

VERIFIED NOTICE OF REMOVAL OF:
SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY
CASE NO. 10-2-23288-5 KNT

JURY TRIAL DEMANDED

NOTICE OF REMOVAL

Defendant(s)/Affiant(s): JOICE LENG and TONY BROWN, of 4207 S 223rd St Unit #104, KENT, WA 98032, HEREBY states that I am of legal age and competent to state on belief and personal knowledge the facts set forth herein as duly noted below are true, correct, complete and presented in good faith for REMOVAL OF: SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY CASE NO.: 10-2-40855-0 KNT to **THE FEDERAL DISTRICT COURT FOR WESTERN DISTRICT OF WASHINGTON** regarding an UNLAWFUL DETAINER action brought by Plaintiff, BOEING EMPLOYEE'S CREDIT UNION (hereinafter "BECU"), jointly and severally, resulting from an alleged foreclosure sale and alleged purchase of property belonging to

VERIFIED NOTICE OF REMOVAL

Joice Leng, Plaintiff
4207 S. 223rd Street, Unit #104
Kent, WA 98032

NO ISS SENT 38300

1 Defendant(s):

2 **DECLARATION**

3
4 Defendant(s) does hereby declare *ultra vires*, the claims of BECU, Plaintiff, in association with
5 BECU Recovery Department, and/or NEWMAN & NEWMAN, ATTORNEYS AT LAW, **LLP**, and all other
6 known and unknown participants, et al, for apparent involvement of fraudulent activity,
7 conspiracy to commit fraud, violation of civil rights, denial of due process of law and equal
8 protection under the law with all actions void and *ultra vires*.
9

10
11 **VENUE AND JURISDICTION**

- 12 1. Venue in this matter is correct, as the subject property is located in **Kent, Washington**,
13 hereinafter referred to as "Subject Property" also known as **4207 S 223rd St Unit #104,**
14 **Kent, WA 98032.** The Subject Property has a tax identification number as Assessor's
15 Parcel Number **8582850340**.
16
17 2. The jurisdiction of this Court to hear this claim is per Title 28 USC § 1331, Federal
18 Question; and the Constitution for the United States of America, Artle III, §§ 1,2.
19
20 3. Defendants are private inhabitants in Washington state.
21
22 4. The Amount in controversy exceeds \$75,000.00.
23
24 5. Revised Code of Washington.
25
26 6. Jurisdiction is also arises under 42 USC § 1983 et seq., and Constitution for the United
States of America and in particular the 7th amendment for deprivation of rights as this is
a "suit at common law".

VERIFIED NOTICE OF REMOVAL

Joice Leng, Plaintiff
4207 S. 223rd Street, Unit #104
Kent, WA 98032

- 1 7. Defendants are unschooled in law and proceeding without assistance of counsel in
2 propria persona requesting the court accept direction from Haines v. Kerner, 404 U.S.
3 519 (1972), Boag v. MacDougall, 545 US 360 (1982), Puckett v. Cox 456 F2d 233 (1972
4 Sixth Circuit USCA), and Conely v. Gibson, 355 US 41 at 48(1957), wherein the court has
5 directed those who are unschooled in law making pleadings shall have the court look to
6 the substance of the pleadings rather than the form.
7
8 8. This case arises under Article 4, section 4 of the national Constitution as Defendants is
9 denied access to the republican form of government of The state of Washington as
10 hereinafter more fully appears.
11

12 PARTIES

- 13
14 9. JOICE LENG and TONY BROWN, Owners of the Premises located at 4207 S 223rd St Unit
15 #104, Kent, WA 98032 are Defendants.
16
17 10. BOEING EMPLOYEES CREDIT UNION whose principal place of business is 12770
18 Gateway Drive, Tukwila, WA 98168;
19

20 BACKGROUND

21 Original State Court Action:

22
23 On or about December 4, 2010, a civil action for UNLAWFUL DETAINER was served on
24 Defendant with a case number 10-2-40855-0 KNT assigned to be heard in the SUPERIOR
25 COURT FOR THE STATE OF WASHINGTON IN AND FOR KING COUNTY at the request of BECU,
26

VERIFIED NOTICE OF REMOVAL

Joice Leng, Plaintiff
4207 S. 223rd Street, Unit #104
Kent, WA 98032

1 Plaintiff, through Its counsel, vs. above said Defendant(s). A copy of all process, pleadings and
 2 orders served upon the Defendant(s) and/or filed in the state court action are attached as
 3 Exhibits "A" to be incorporated herein.
 4

5 6 **SUBSTANTIVE BASIS FOR REMOVAL**

7 Defendants bases this removal on 28 USC §§ 1331, 1332(4), 1603(a); 28 USC § 1441; and, 18
 8 USC § 1962. Section 1441 of Title 28 provides that civil actions, brought in state court based on
 9 claims arising under federal law over which the district courts of the Untied States have
 10 original jurisdiction may be removed to the local district court. 28 USC § 1441(a), (b). Title 28 §
 11 1331 provides that the district courts have original jurisdiction over all civil actions "arising
 12 under the Constitution, laws or treaties of the United States." 28 USC §1331. Removal
 13 jurisdiction based on a federal question is determined from the complaint as it exists at the
 14 time of the removal. Libhart v. Santa Monica Dairy Co., 592 F.2d 1062, 1065 (9th Cir. 1979).
 15 Removal is proper so long as the federal question is substantial and identifiable. James v.
 16 Belloti, 733 F.2d 989, 992 (1st Cir. 1984). A defendant in state court thus has the right to remove
 17 a case to federal court in the district where the state court proceedings are pending if the case
 18 could have been filed originally in federal court (i.e., federal question grounds). 28 UCS §
 19 1441(b). Where removal is properly effected, the district court may exercise pendent
 20 jurisdiction over state law that "arise out of a common nucleus of operative fact." United Mine
 21 Workers v. Gibbs, 383 U.S. 715, 725, 86 S.Ct. 1130, 1138, 16 L.Ed.2d 218 (1966) (doctrine of
 22 pendent jurisdiction permits district court to adjudicate factually related state claims). This is a
 23 civil action over which this Court has original jurisdiction pursuant to 28 USC § 1331.
 24
 25
 26

VERIFIED NOTICE OF REMOVAL

Joice Leng, Plaintiff
 4207 S. 223rd Street, Unit #104
 Kent, WA 98032

1 **Procedural Requirements for Removal.** The procedural requirements for removal have
2 been met, see 28 USC § 1446. Plaintiff: BOEING EMPLOYEE'S CREDIT UNION received service
3 of this notice for removal, which is timely under 28 USC § 1446(b). The Verified Notice of
4 Removal was filed by Defendant(s) in the state court action pursuant to 28 USC § 1446(d). The
5 best of the Defendant's knowledge and belief, no other records or proceedings are filed with
6 the state court, that are applicable other than those submitted as exhibits herein. This notice is
7 certified by Defendants pursuant to Fed. R. Civ. P. 11 and 28 USC § 1446(a).
8

10 **GROUND FOR REMOVAL**

11 Defendants states removal of BOEING EMPLOYEE'S CREDIT UNION v. JOICE LENG and TONY
12 BROWN, cause no. 10-2-40855-0 KNT, in the SUPERIOR COURT OF WASHINGTON IN AND FOR
13 KING COUNTY is on the following grounds:
14

15 **FEDERAL QUESTIONS:** The Plaintiffs bring this matter forth to this Court on the grounds of
16 Federal Questions relating to violations of civil rights, constitutional matters, fraud in various
17 matters of accounting pursuant to GAAP, violations of RESPA, TILA and Predatory Lending
18 Violations, issues of securitization and then procedural issues and matters in regards to loan
19 origination, recordation of documents, notarization, authority of signatories, assignments,
20 appointments, notices, trustee's sale and trustee's deed.
21

23 **NOTICE: DUTY OF STATE COURT**

24 The Superior Court of Washington for King and the officers thereof, are subject to the duty(s)
25
26

VERIFIED NOTICE OF REMOVAL

Joice Leng, Plaintiff
4207 S. 223rd Street, Unit #104
Kent, WA 98032

required in Law as defined at 28 USC 1446(d). The clerk of said court shall effect the removal of its case #**10-2-40855-0 KNT** to the UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON, and proceed no further unless and until the case is remanded.

POINTS AND AUTHORITIES

"Removal to a federal court halts all further proceedings in state court, which thereon loses jurisdiction unless and until the case is remanded." Styers v. Pico, Inc. 233 SE 2nd, 656.

"Upon the filing and service of a verified petition for removal by a defendant. . . the state court loses jurisdiction over the prosecution and jurisdiction lies only with the federal court unless and until the case is remanded back to the state court. Chesimard v. Kuhlthau, 370 F. Supp. 473.

"Once removal procedure has been carried out, action in the state court is automatically stayed and any proceedings prior to [the] federal remand order are absolutely void, despite subsequent determinations the removal petition was ineffective." Vendetti v. Schuster, 242 F. Supp. 746.

WHEREFORE, the state action filed under cause no. **10-2-23288-5 KNT** in the SUPERIOR COURT FOR THE STATE OF WASHINGTON IN AND FOR KING COUNTY is hereby removed to the UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON.

Defendants finally petitions this court to dismiss the state action referenced with prejudice, in the interest of justice, with leave reserved by Defendants amend for fees, costs, and proposed sanctions in addition to supporting case law or briefs to support or expound upon position asserted to provide This Court with guidance in rendering a decision.

Respectfully submitted,

Respectfully Submitted, **December 8**, 2010.

///

VERIFIED NOTICE OF REMOVAL

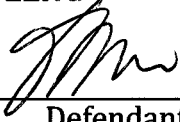
Joice Leng, Plaintiff
4207 S. 223rd Street, Unit #104
Kent, WA 98032

VERIFICATION

I, the under signed Defendant(s)/Affiant(s), do affirm and believe the above pleading and contents to be true, correct, complete, not misleading, and do believe the above stated facts have been committed contrary to law,

Dated: December 8th, 2010,

Respectfully Submitted for: **JOICE LENG**

BY: 
Defendant/Affiant

Respectfully Submitted for: **TONY BROWN**

BY: 
Defendant/Affiant

JURAT

I Melissa D Wagner a Notary Public certify that I know or have satisfactory evidence that **JOICE LENG and TONY BROWN** appeared before me, and signed this instrument and acknowledged it to be free and voluntary act for the uses and purposes mentioned in the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Washington, County of Pierce that the foregoing paragraph is true and correct.

12/8/2010
DATED:


Notary Public Melissa D Wagner

My appointment expires 3-16-14



ATTACHED EXHIBITS

1. Exhibit "A" ALL STATE COURT PLEADINGS

VERIFIED NOTICE OF REMOVAL

Joice Leng, Plaintiff
4207 S. 223rd Street, Unit #104
Kent, WA 98032

**EXHIBIT "A" ATTACHED
(HEREUNDER)**

1
2
3
4
5
6
7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR THE COUNTY OF KING**

9 BOEING EMPLOYEES' CREDIT UNION,

10 Plaintiff,

11 v.

12 JOICE LENG and TONY BROWN, wife and
13 husband; and UNKNOWN OCCUPANTS,

14 Defendants.

Case No. 10-2-40855-0 KNT

CERTIFICATE OF SERVICE

15 The undersigned hereby certifies that on this 3rd day of December, 2010, I caused the
16 foregoing **ORDER TO SHOW CAUSE, NOTE FOR MOTION, MOTION FOR WRIT OF**
17 **RESTITUTION, DECLARATION OF KEITH SCULLY, and WRIT OF RESTITUTION**
18 to be served via the method(s) listed below on the following parties:

19
20 **Via Messenger to:**

21 Joice Leng
22 4207 S. 223rd Street # 104
Kent, WA 98032

23 Tony Brown
24 4207 S. 223rd Street # 104
Kent, WA 98032

25 I certify under penalty of perjury under the laws of the United States and the State of Washington
26 that the foregoing is true and correct and that this certificate was executed on December 3, 2010,
27 at Seattle, Washington.

28 
Sarah Skaggs

EXP06

FILED
10 DEC -1 PM 2: 08
KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

BOEING EMPLOYEES' CREDIT UNION,

Plaintiff,

Case No. 10-2-40855-0 KNT

ORDER TO SHOW CAUSE

v.

JOICE LENG and TONY BROWN, wife and
husband; and UNKNOWN OCCUPANTS,

Defendants.

[CLERK'S ACTION REQUIRED]

This matter came on for hearing before the undersigned Judge/Court Commissioner of the King County Superior Court at Kent on the Motion of the Plaintiff for an Order to Show Cause why a Writ of Restitution should not be issued by the Court and the additional relief requested in the Complaint should not be granted. The Court, having reviewed the files and records herein, having read and considered the Plaintiff's Motion and deeming itself fully advised, now, therefore, IT IS HEREBY:

ORDERED that the Defendants herein, Joice Leng and Tony Brown, and any and all Occupants of the Property, shall appear before this Court, located at King County Superior Court, Kent Regional Justice Center, 401 4th Avenue North, Rm IJ, Kent, WA 98032-4429, on December 17, 2010, at 9:30 a.m., to show cause why a Writ of Restitution should not be issued, restoring possession to the plaintiff of the real property

1 located at 4207 S 223rd Street, Kent, WA, and granting the other relief requested in the
2 Plaintiff's Complaint for Unlawful Detainer.

3 IT IS FURTHER ORDERED that, on failure of the Defendants to appear and
4 show cause on the date and time specified above, this Court will order the Sheriff of King
5 County to restore possession of the subject property to the Plaintiff and grant the other
6 relief requested in the Plaintiffs' Complaint for Unlawful Detainer.

7 DONE in this Court this 12th day of 2010.

8
9 Nancy Bradburn
10 JUDGE/COURT COMMISSIONER
11 James

12 Presented by:

13 **NEWMAN & NEWMAN,**
14 **ATTORNEYS AT LAW, LLP**

15 By: John Du Wors

16 John Du Wors, WSBA No. 33987
17 Keith Scully, WSBA No. 28677
18 Attorneys for Plaintiff
19
20
21
22
23
24
25
26
27
28

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING**

BOEING EMPLOYEES' CREDIT UNION,
Plaintiff,

v.

JOICE LENG and TONY BROWN, wife and husband; and
UNKNOWN OCCUPANTS,
Defendants.

NO. 10-2-40855-0 KNT
NOTE FOR MOTION DOCKET
KENT REGIONAL JUSTICE CENTER ONLY
(Clerk's Action Required) (NTMTDK)

TO: THE CLERK OF THE COURT and to all other parties listed on Page 2:
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: December 17, 2010 Day of Week: Friday

Nature of Motion: SHOW CAUSE HEARING AND MOTION FOR WRIT OF RESTITUTION

EX PARTE MOTIONS [LCR 7(b)(3)(D) - RJC Room 1J]

The original of this notice must be filed at the Clerk's Office **not less than six court days** prior to the requested hearing date for these calendars. Motions are scheduled **9:00-11:30 a.m. in Courtroom 1J** (except as indicated):

☒ Eviction Hearing Time: 9:30 a.m. ☐ Other Ex Parte Motion. Hearing Time: _____

The original of this notice must be filed at the Clerk's Office **not less than fourteen calendar days** prior to requested hearing date - *Deliver Working Papers (on accountings, contested or complex cases) to the Judges Mailroom 2D at RJC.*

Ex Parte hearings do not require confirmation.

☐ Adoption Final Hrg. Hearing Time: 1:30 p.m. (LCR 93.04)

☐ Final Decree ☐ Atty to Appear Hearing Time: _____ ☐ No Attorney Hearing Time: 1:30 p.m.

☐ Probate/Grdnshp Hearing Time: 10:30 a.m. (LCR 98.04, 98.16, 98.20)

FAMILY LAW MOTIONS [LFLR 6] - RJC in 1F or 1G

The original of this notice must be filed at the Clerk's Office **not less than fourteen calendar days** prior to the requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance). **Must confirm at (206) 205-2550 (LFLR 6).** Deliver Commissioner's copies to A1222 RJC. **SEE PAGE 2 FOR IMPORTANT NOTICE!**

☐ Domestic Motion 9:00 a.m. daily

☐ Sealed File Motion 1:30 p.m. Mon, Wed, Thur, Fri

☐ Parenting Plan Modification (threshold) 1:30 p.m. Mon, Wed, Thur, Fri

You may list an address that is not your residential address where you agree to accept legal documents.

Sign:  Print/Type Name: Keith Scully

WSBA # 28677 (if attorney)

Attorney for: Plaintiff

Address: 1201 Third Avenue, Suite 1600

City, State, Zip Seattle, WA 98101

Telephone: (206) 274-2800

Date: December 3, 2010

Party requesting hearing must file motion & affidavits separately along with this notice. List names, addresses and telephone numbers of all parties requiring notice, (including Guardian Ad Litem) on page 2. Serve a copy of this notice of hearing, with motion documents, on all parties.

DO NOT USE THIS FORM TO SET HEARINGS BEFORE CHIEF CIVIL JUDGE OR THE ASSIGNED JUDGE FOR THE CASE.

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name Joice Leng
Service Address: 4207 S. 223rd Street # 104
City, State, Zip Kent, WA 98032
WSBA# _____ Atty For: Pro Se
Telephone #: _____

Name Tony Brown
Service Address: 4207 S. 223rd Street # 104
City, State, Zip Kent, WA 98032
WSBA# _____ Atty For: Pro Se
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty For: _____
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty For: _____
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty For: _____
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty For: _____
Telephone #: _____

IMPORTANT NOTICE REGARDING FAMILY LAW CASES

IF YOU ARE THE PERSON SCHEDULING THIS MOTION, you must confirm this hearing by calling the Family Law Motions Coordinators at (206) 205-2550 between 2:30 p.m. and 4:15 p.m. (3) court days before the hearing and between 8:30 a.m. and 12:00 p.m. (noon) two (2) court days prior to the hearing.

IF YOU OBJECT TO THIS MOTION, under King County Superior Court Local Family Law Rule 5, your response and accompanying paperwork **must be in writing** and must be delivered, not later than by 12:00 p.m. (noon) of four (4) weekdays (not including court holidays) prior to the hearing to:

- 1) the Superior Court Clerk in Room 2C (the originals go to the Clerk);
- 2) all parties' attorneys (or directly to any party who does not have an attorney); and,
- 3) the Family Law Motions Coordinators in Room A1222.

Any statements of a party or witness must be signed, dated and sworn to under penalty of perjury, and must contain the state and city where signed.

The moving party's reply is due by noon two court days prior to the hearing. Check-in time is **9:00 a.m.** for morning hearings and **1:15 p.m.** for afternoon hearings.

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES. ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The **REGIONAL JUSTICE CENTER** is in Kent, Washington at 401 Fourth Avenue North.

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

BOEING EMPLOYEES' CREDIT UNION,

Plaintiff,

v.

JOICE LENG and TONY BROWN, wife and
husband; and UNKNOWN OCCUPANTS,

Defendants.

Case No. 10-2-40855-0 KNT

MOTION FOR WRIT OF
RESTITUTION

I. RELIEF REQUESTED AND MOTION

The Plaintiff herein, Boeing Employees' Credit Union, by and through its attorney of record, John Du Wors of Newman & Newman LLP, moves this Court for a writ of restitution restoring possession to the Plaintiff of the real property described as:

UNIT 5-6, BUILDING 5, OF THE TERRACE AT RIVERVIEW, A CONDOMINIUM RECORDED IN VOLUME 174 OF CONDOMINIUMS, PAGES 60 THROUGH 68, INCLUSIVE, ACCORDING TO THE DECLARATION THEREOF, RECORDED UNDER KING COUNTY RECORDING NO. 2001052302432, AND ANY AMENDMENTS THERETO; SITUATE IN THE CITY OF KENT, COUNTY OF KING, STATE OF WASHINGTON.

Assessor's Property Tax Parcel/Account No. 858285-0340-06, which is more commonly referred to as 4207 S 223rd Street, Kent, WA 98032 (the Subject Property).

II. STATEMENT OF FACTS

On September 3, 2010, a non-judicial deed of trust foreclosure sale of the Subject Property was held in King County, Washington pursuant to the provisions of RCW 61.24. (December 2, 2010 Declaration of Keith Scully (Scully Decl.) at ¶ 2.) BECU was the successful bidder at that sale. (*Id.*) Notice to Vacate was provided to the Defendants on September 13, 2010. (*Id.* at ¶ 4, Att. A.)

The Summons and Complaint in this matter were served on the Defendants on October 11, 2010. (Scully Decl. at ¶ 5, Att. B.) The Defendants have served but not filed an Answer to the Summons and Complaint. (Scully Decl. at ¶ 6.)

III. ISSUE

Whether this court should enter an order for a writ of restitution.

IV. EVIDENCE RELIED UPON

- The December 2, 2010 Declaration of Keith Scully
- The files and pleadings in this matter.

V. ARGUMENT

A. BECU must prove only that they are entitled to possession in order for a writ of restitution to issue.

RCW 59.12.140 governs proof in actions for unlawful detainer, and provides:

On the trial of any proceeding for any forcible entry or forcible detainer the plaintiff shall only be required to show, in addition to a forcible entry complained of, that he or she was peaceably in the actual possession at the time of the forcible entry; or, in addition to a forcible detainer complained of, that he or she was entitled to the possession at the time of the forcible detainer.

Here, BECU is the sole owner of the property, and entitled to possession. (Scully Decl. at ¶ 2.)

B. BECU provided all required notice.

An unlawful detainer action commenced as a result of a trustee's sale must comply with the notice requirements of RCW 61.24.040 and RCW 61.24.060. RCW 59.12.032.

1 BECU has provided the required notice, and is compliant with RCW 61.24.040 and
2 61.24.060. (Scully Decl. at ¶ 3.)

3
4 **VI. PROPOSED WRIT OF RESTITUTION**

5 A proposed Writ of Restitution is attached.

6 DATED this 3rd day of December, 2010.

7
8 **NEWMAN & NEWMAN,
ATTORNEYS AT LAW, LLP**

9
10 By: 

11 John Du Wors, WSBA No. 33987
12 Keith Scully, WSBA No. 28677
13 Attorneys for Plaintiff
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR THE COUNTY OF KING**

9 BOEING EMPLOYEES' CREDIT UNION,
10
11

Plaintiff,

12 v.

13 JOICE LENG and TONY BROWN, wife and
14 husband; and UNKNOWN OCCUPANTS,

15 Defendants.

Case No. 10-2-40855-0 KNT

DECLARATION OF KEITH
SCULLY

16
17 Keith Scully, under penalty of perjury under the laws of the State of Washington,
18 certifies as follows:

19 1. I am one of the attorneys of record for plaintiff BECU and have personal
20 knowledge of all matters set forth herein.

21 2. BECU is the owner of the real property described below (the subject property),
22 by virtue of its successful bid at a non-judicial deed of trust foreclosure sale held on
23 September 3, 2010, and the laws of the State of Washington:

24 UNIT 5-6, BUILDING 5, OF THE TERRACE AT RIVERVIEW, A
25 CONDOMINIUM RECORDED IN VOLUME 174 OF
26 CONDOMINIUMS, PAGES 60 THROUGH 68, INCLUSIVE,
27 ACCORDING TO THE DECLARATION THEREOF, RECORDED
28 UNDER KING COUNTY RECORDING NO. 2001052302432, AND
ANY AMENDMENTS THERETO; SITUATE IN THE CITY OF KENT,
COUNTY OF KING, STATE OF WASHINGTON.

1 Assessor's Property Tax Parcel/Account No. 858285-0340-06, which is more
2 commonly referred to as 4207 S 223rd Street, Kent, WA 98032. The source of my
3 information is a statement from BECU.

4 3. Prior to the trustee's sale, BECU provided all required notices and is in
5 compliance with RCW 61.24.040 and RCW 61.24.060. The source of my information is a
6 statement from BECU.

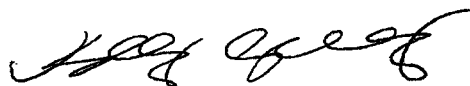
7 4. Notice to vacate was provided to the defendants on September 13, 2010.
8 Attachment A to this declaration is a true and correct copy of the notices to vacate and
9 declaration of service provided to me by BECU.

10 5. Attachment B to this declaration is a true and correct copy of the
11 declaration of service of Summons and Complaint for Unlawful Detainer of process
12 server R. Marlow.

13 6. The Defendants have served but not filed an Answer to the Summons and
14 Complaint.

15 I certify and declare under the penalty of perjury under the laws of the State of
16 Washington that to my knowledge the foregoing is true and correct.

17 Executed this 2nd day of December, 2010, at Seattle, Washington.

18
19
20 

21 Keith Scully

Exhibit A

NOTICE TO VACATE

The property located at 4207 S 223rd St, #104, , Kent, WA 98032 was purchased at a trustee's sale by Boeing Employees' Credit Union on September 3, 2010.

1. If you are the previous owner or an occupant who is not a tenant of the property that was purchased, pursuant to RCW 61.24.060, the purchaser at the trustee's sale is entitled to possession of the property on September 23, 2010, which is the twentieth day following the sale.

In the event that you have not vacated the premises by the above date, BECU will commence an unlawful detainer proceeding against you. Please note that BECU is not required to provide any further notice before commencing such action.

2. If you are a bona-fide tenant or subtenant in possession of the property that was purchased, the purchaser at the trustee's sale may either give you a new rental agreement OR give you a written notice to vacate the property in sixty days or more before the end of the monthly rental period.

If you have any questions regarding this notice, contact the BECU Legal/Recovery Department at 206-805-5630.

In Re the Non-Judicial Deed of Trust
Foreclosure of:

JOICE LENG,

Grantor.

**DECLARATION OF
MAILING OF NOTICE OF
NOTICE TO VACATE**

The undersigned declares:

That on the 13 day of September, 2010, pursuant to RCW 61.24.070, this declarant caused to be mailed the NOTICE TO VACATE, by both first class and certified mail, return receipt requested, to the following:

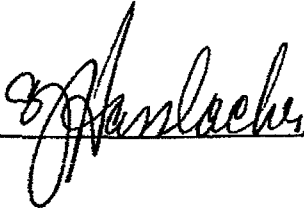
Joice Leng.
4207 S 223rd St, #104
Kent, WA 98032

Tony Brown
4207 S 223rd St, #104
Kent, WA 98032

Occupants
4207 S 223rd St, #104
Kent, WA 98032

I hereby declare (or certify) under penalty of perjury under the law of the State of Washington that the foregoing is true and correct.

Dated this 13 of September, 2010, at Tukwila, Washington.



Joice Leng
4207 S 223rd St, #104
Kent, WA 98032
NOTICE TO VACATE

OCCUPANTS
4207 S 223rd St, #104
Kent, WA 98032
NOTICE TO VACATE Leng, Joice

91 7108 2133 3937 0446 6665

91 7108 2133 3937 0446 6658

Tony Brown
4207 S 223rd St, #104
Kent, WA 98032
NOTICE TO VACATE Leng, Joice

91 7108 2133 3937 0446 6641

Exhibit B

SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF WASHINGTON**BOEING EMPLOYEES' CREDIT UNION**

Plaintiff / Petitioner

Cause #:

VS.

**JOICE LENG AND TONY BROWN, WIFE AND
HUSBAND; ET AL**

Defendant / Respondent

Declaration of Service of:

SUMMONS AND COMPLAINT FOR UNLAWFUL DETAINERHearing Date: **Oct 20 2010****Declaration:**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the date and time of **Oct 11 2010 11:56AM**at the address of **4207 S 223RD ST #104 KENT**within the County of **KING**State of **WASHINGTON**

the declarant duly served the above described documents upon

JOICE LENG and TONY BROWN UNKNOWN OCCUPANTSby then and there personally delivering **3** true and correct copy(ies) thereof, by then presenting to and leaving the same with**JOICE LENG An Asian female approx. 35-40 years of age 5'0"-5'2" in height weighing 100-120 lbs with brown hair**

a person of suitable age and discretion residing at the defendant's/respondent's usual place of abode listed above.

No information was provided that indicates that the subjects served are members of the U.S. military.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: October 11, 2010 at Seattle, WA

by


R. Marlow 9404737

The documents listed above were served in accordance with RCW 4.28.080 and/or client instructions. If service was substituted on another person or left with a person that refused to identify themselves, it is incumbent upon the client to notify ABC Legal Services, Inc. immediately in writing if further attempts to serve, serve by mail, or investigate are required. If service was substituted on another person, pursuant to RCW 4.28.080 (16), service shall be complete on the tenth day after a copy of the documents are mailed to the subject at the address where service was made. Documents were not mailed by ABC Legal Services, Inc.

Service Notes:**10/07/2010 11:42: No Answer at the door**

Documents:	40.00	Secretarial:	0.00	Other:	0.00
Travel:	0.00	Postage:	0.00	Total:	40.00
Invalid Address (0)	0.00	Photo:	0.00	Pre-Paid Retainer:	0.00
Proof Preparation:	0.00	Rush / Special:	0.00	AMOUNT DUE	40.00
Summons Copy:	0.00	Wait / Stake Out Time:	0.00		

Client Ref.: **BECU V. JOICE LENG U.D.**

BECU - Foreclosures
PO BOX 97050, MS 1155-1
Seattle, WA 98124
206 812-5133

CLIENT COPY
PROOF OF SERVICE



ABC Legal Services, Inc.
633 Yesler Way Seattle, WA 98104
206 521-9000
Tracking #: 4668687

1
2
3
4
5
6
7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR THE COUNTY OF KING**

9 BOEING EMPLOYEES' CREDIT UNION,
10

11 Plaintiff,

12 v.

13 JOICE LENG and TONY BROWN, wife and
14 husband; and UNKNOWN OCCUPANTS,

15 Defendants.

Case No. 10-2-40855-0 KNT

[PROPOSED]

WRIT OF RESTITUTION

16 TO: The Sheriff of King County)
17 STATE OF WASHINGTON) ss
18 KING COUNTY)

19 WHEREAS, on December 17, 2010, on the motion of the attorneys for the
20 Plaintiff herein, the Honorable _____, one of the Judges/Court Commissioners
21 of this Court, signed an Order for Writ of Restitution, restoring the possession of the
22 below described real property (the subject property) to the Plaintiff in the manner
23 provided by law:

24 UNIT 5-6, BUILDING 5, OF THE TERRACE AT RIVERVIEW, A
25 CONDOMINIUM RECORDED IN VOLUME 174 OF
26 CONDOMINIUMS, PAGES 60 THROUGH 68, INCLUSIVE,
27 ACCORDING TO THE DECLARATION THEREOF, RECORDED
28 UNDER KING COUNTY RECORDING NO. 2001052302432, AND
ANY AMENDMENTS THERETO; SITUATE IN THE CITY OF KENT,
COUNTY OF KING, STATE OF WASHINGTON.

1 Assessor's Property Tax Parcel/Account No. 858285-0340-06, which is more
2 commonly referred to as 4207 S 223rd Street, Kent, WA 98032.

3 WHEREAS this Writ of Restitution shall expire twenty days from the date of
4 issuance,

5 NOW, THEREFORE, you, the said Sheriff, are hereby commanded to deliver
6 possession of the subject property to the Plaintiff, and to make return of this Writ twenty
7 days from its issuance. You, the said Sheriff, may break and enter the subject property if
8 necessary to affect this Writ. Said Sheriff shall carry out the Writ without a bond or need
9 for indemnity. Should you not be able to fully deliver possession of the described
10 premises within 20 days of this Writ's issuance then this Writ of Restitution will
11 automatically be renewed for an additional 20 days without further order of the Court,
12 and you will have that additional time in which to restore possession of the premises to
13 the Plaintiff.

14 Dated this ____ day of _____, 2010.

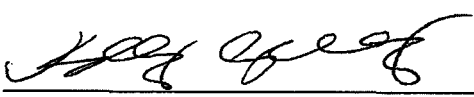
15
16 _____
JUDGE/COURT COMMISSIONER

17
18 _____, Clerk of the
Superior Court for King County, Washington:

19
20 By: _____
Deputy Clerk

21
22 Presented by:

23 **Newman & Newman,**
24 **Attorneys at Law, LLP**

25 By: 
26 Keith Scully, WSBA No. 28677
27 John Du Wors, WSBA No. 33987

28 Attorneys for Plaintiff

1
2
3
4
5
6
7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR THE COUNTY OF KING**

9 BOEING EMPLOYEES' CREDIT UNION,

Case No. 10-2-40855-0 KNT

10 Plaintiff,

REQUEST FOR STORAGE OF
PERSONAL PROPERTY

11
12 v.

13 JOICE LENG and TONY BROWN, wife and
14 husband; and UNKNOWN OCCUPANTS,

15 Defendants.

16
17 I/We hereby request the landlord to store our personal property. I/We understand
18 that I/We are responsible for the actual or reasonable costs of moving and storing the
19 property, whichever is less. If I/We fail to pay these costs, the landlord may sell or
20 dispose of the property pursuant to and within the time frame permitted under RCW
21 59.18.312 (3).

22 Any notice of sale required under RCW 59.18.312(3) must be sent to the tenants at
23 the following address:

24 _____
25 _____
26 _____

1 IF NO ADDRESS IS PROVIDED, NOTICE OF SALE WILL BE SENT TO THE
2 LAST KNOWN ADDRESS OF THE TENANT(S).

3 DATED: _____

4 _____
5 Tenant (print name)

6 _____
7 Tenant (print name)

8 _____
9 Tenant (print name)

10 This notice may be delivered or mailed to the landlord or the landlord's
11 representative at:

12 Newman & Newman LLP (Landlord's Representative)
13 1201 Third Ave., Ste 1600
14 Seattle, WA 98101
15 PHONE: (206) 274 2800

16 This notice may also be served by facsimile to the landlord or the landlord's
17 representative at:

18 (206) 274 2801 (facsimile)

19 **IMPORTANT**

20 **IF YOU WANT YOUR LANDLORD TO STORE YOUR PROPERTY, THIS
21 WRITTEN REQUEST MUST BE RECEIVED BY THE LANDLORD NO LATER
22 THAN THREE (3) DAYS AFTER THE SHERIFF SERVES THE WRIT OF
23 RESTITUTION. YOU SHOULD RETAIN PROOF OF SERVICE.**